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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,854	06/26/2003	Tadashi Umeda		6370

7590 05/11/2006
Tadashi Umeda
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EXAMINER

VORTMAN, ANATOLY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

10/603,854

Examiner

Anatoly Vortman

Applicant(s)

UMEDA, TADASHI

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 October 2005.
 - (a) ☒ A reply was received on 11 April 2006 (with a Certificate of Mailing or Transmission dated 11 April 2006), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on 13 February 2006.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet



Anatoly Vortman
Primary Examiner
Art Unit 2835

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment:

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Responsive Amendment mailed on October 12, 2005, which set a shortened statutory period for reply of one (1) month. No sufficient extensions of time under the provisions of 37 CFR 1.136(a) were obtained.

Applicant has filed a non-compliant reply on January 24, 2006 and obtained the one (1) month extension of time under 37 CFR 1.136(a) on October 31, 2005, however two (2) months extensions of time would have been required to make said amendment timely. Further, applicant had time until expiration of the extended statutory period for reply (i.e. until April 12, 2006) to submit the deficiency or to file new reply with sufficient extensions of time under the provisions of 37 CFR 1.136(a). Applicant, however, have not done so.

Further, a Notice of Non-Compliant amendment was mailed on March 14, 2006, which did not set new shortened statutory period for reply. Therefore, the period for reply was continuing to run from the mailing date of the Notice of Non-Responsive Amendment of October 12, 2005.

Further, applicant has filed the reply to the aforementioned Notice of Non-Compliant amendment on April 11, 2006 with two (2) months extension of time fee, however (3) month(s) extension of time would have been required in order to make said reply timely. Accordingly, the reply of April 11, 2006 was late, since the application became abandoned, by operation of law, on February 13, 2006.

PS: Examiner has consulted with SPRE Clayton Laballe on 8 May 2006, who verified that application is abandoned.

